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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,475	06/16/2001	Eric Harold Henrikson	42430-10455	1203

7590

05/19/2004

Patent Docket Clerk  
Jenner & Block LLC  
One IBM Plaza  
Chicago, IL 60611

EXAMINER
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ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/19/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/883,475

**Applicant(s)**

HENRIKSON, ERIC HAROLD

**Examiner**

George Eng

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/3/2004 (paper no. 12) has been entered.

### ***Response to Amendment***

2. This Office action is in response to the amendment filed 4/5/2004 (paper no. 9).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-8 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeng et al. (US PAT. 5,991,277 hereinafter Maeng).

Regarding claim 1, Maeng discloses a method for selecting a primary transmission site from a plurality of video images in a conference system that supports conference calls that

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includes an audio portion and video portion comprising the steps of receiving audio sample in a digital form, i.e., a packet form, determining an amount of audio signal generated by each participant of a plurality of participant, selecting a dominating audio participant, i.e., a speaker, from the plurality of participants based upon the amount of audio data generated by each participant of the plurality of participants, and selecting a primary video based on the dominating audio participant (col. 4 line 36 through col. 6 line 58).

Regarding claim 4, Maeng teaches to manage a screen view to identify a talking site while display simultaneous views of multiple site (col.1 lines 51-53) so that Maeng inherently teaches that the primary video image is larger than a plurality of remaining video images of the plurality of video images in order to identify.

Regarding claim 5, Maeng teaches the step of maintaining the primary video image for at least a predetermined period of time (col. 6 lines 37-44).

Regarding claim 6, Maeng discloses a method for selecting a primary transmission site from a plurality of video image in a conference system that supports conference calls including an audio portion and video portion comprising the steps of receiving audio data in a digital form, i.e., a packet form, determining an amount of audio signal generated by each participant of a plurality of participant, determining whether a difference between an amount of audio data generated by one participant of the plurality of participants and an amount of audio data generated by other participants of the plurality of participants exceeds a predetermined threshold, selecting a dominating audio participant from the plurality of participants based upon the amount of audio signal generated by each of the plurality of participants if the difference exceeds the

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predetermined threshold and selecting a primary video based on the dominating audio participant (col. 4 line 36 through col. 6 line 58).

Regarding claim 7, Maeng teaches the dominating audio participant, i.e., the speaker, generating an amount of audio data that exceeds an amount of audio data generated by each of a plurality of remaining participants of the plurality of participants (col. 6 lines 5-17 and lines 44-48).

Regarding claim 8, Maeng teaches the steps of determining a loudness of audio for each participant of the plurality of participants if the difference does not exceed the predetermined threshold and selecting the dominating audio participant based on the loudness for each participant of the plurality of participants (col. 7 lines 44-62).

Regarding claim 11, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 12, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 13, Maeng discloses an apparatus for selecting a primary transmission site from a plurality of video image in a conference system that supports conference calls including an audio portion and video portion comprising first processing means for determining an amount of audio signal generated by each participant of a plurality of participant, second processing means selecting a dominating audio participant, i.e., a speaker, from the plurality of participants based upon the amount of audio data generated by each participant of the plurality of participants, and third processing means selecting a primary video based on the dominating audio participant (col. 4 line 36 through col. 6 line 58).

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Regarding claims 14-15, Maeng teaches a multipoint control unit (12, figure 1) including the first processing means (14-1, figure 1), the second processing means (14-2, figure 1) and the third processing means (14-3, figure 1) for implementing automatic video signal selection operation (col. 3 line 65 through col. 4 line 50), wherein the first processing means, the second processing means, and the third processing means are a same processing means as shown in figure 2).

Regarding claim 16, the limitations of the claim are rejected as the same reasons set forth in claim 4.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 9-10 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeng et al. (US PAT. 5,991,277 hereinafter Maeng) in view of Broussard (US PAT. 6,269,483).

Maeng differs from the claimed invention in not specifically teaching to determine an amount of audio data by counting a number of audio samples in audio packets generated by each participant of the plurality of participants. However, Broussard discloses a method to automatically limit the transmission of a video stream from a terminal to a network based on an

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audio level of an audio stream comprising the step of determining the amount of data by calculate (i.e. counting) a series of sample level values representing the digitized stream of sound, thereby avoiding the problem of fast switching on/off of audio and video stream (col. 6 line 9 through col. 7 line 15). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Maeng in determining the amount of audio data by counting the number of audio samples in audio packets generated by each participant of the plurality of participants, as per teaching of Broussard, in order to avoid the problem of fast switching on/off of audio and video stream.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

  
George Eng  
Primary Examiner  
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